

1 ANGELA H. DOWS, ESQ.  
2 Nevada Bar No. 10339  
3 adows@premierlegalgroup.com  
4 PREMIER LEGAL GROUP  
5 1333 North Buffalo Drive, Suite 210  
6 Las Vegas, Nevada 89128  
7 Telephone: (702) 794-4411  
8 Facsimile: (702) 794-4421  
9 *Pro Bono Counsel Referred*  
10 *via the Legal Aid Center of Southern Nevada*  
11 *for Plaintiff HYRUM JOSEPH WEST*

12 UNITED STATES DISTRICT COURT  
13 DISTRICT OF NEVADA

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15 HYRUM JOSEPH WEST,	)	
	)	2:13-cv-00271-APG-VCF
16 Plaintiff,	)	
	)	<b><u>STIPULATION TO EXTEND TIME</u></b>
17 v.	)	<b><u>TO FILE SUPPLEMENTAL</u></b>
	)	<b><u>OPPOSITION AND SUPPLEMENTAL</u></b>
18 NYE COUNTY, <i>et al.</i> ,	)	<b><u>REPLY TO MOTION FOR</u></b>
	)	<b><u>SUMMARY JUDGMENT</u></b>
19 Defendants.	)	(First Request)
	)	<b>ORDER</b>

20 IT IS HEREBY STIPULATED by and between Angela H. Dows, Esq., counsel for  
21 Plaintiff HYRUM JOSEPH WEST, and Craig R. Anderson, Esq., and Jonathan B. Lee, Esq.,  
22 counsel for Defendants NYE COUNTY, *et al.*, that the dates for: (1) Plaintiff HYRUM JOSEPH  
23 WEST to file his supplemental opposition be extended to thirty (30) days following the final  
24 decision on Plaintiff's Motion to Extend Discovery as to Newly-Discovered Evidence [ECF No.  
25 92], and (2) Defendants' supplemental reply be extended to fourteen (14) days after the filing of  
26 Plaintiff's supplemental opposition.

27 The parties also agree that a final decision on Plaintiff's Motion [ECF No. 92] includes  
28 an allowance of time for the parties to file and obtain ruling(s) on, if filed, any objections to any  
report(s) or order(s) as to Plaintiff's Motion.. This is the first stipulation filed in the matter to

1 continue the deadlines for the supplemental opposition and reply, and is entered into for the  
2 following reasons:

- 3 1. That, as noted, on December 28, 2018 Plaintiff has filed a motion to extend and  
4 re-open discovery related to newly-discovered evidence [ECF No. 92.]
- 5 2. The motion to extend potentially impacts the evidence in the instant case,  
6 including arguments or additional discovery potentially having a bearing on the  
7 pending motion for summary judgment.
- 8 3. That without a continuance of the supplemental opposition and reply, then  
9 important issues in the case may be undetermined prior to the ruling of a  
10 potentially dispositive motion in the case.
- 11 4. That Plaintiff HYRUM JOSEPH WEST is currently incarcerated, and does not  
12 object to the subject brief continuance.
- 13 5. The additional time requested herein is being sought in good faith not sought for  
14 purposes of delay, but merely to allow the parties adequate time to have the  
15 necessary issues reviewed related to potentially important additional discovery in  
16 the case.  
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19 DATED this 9th day of January, 2019.

20 PREMIER LEGAL GROUP  
21 By: /s/ Angela H. Dows  
ANGELA H. DOWS, ESQ.  
22 1333 North Buffalo Drive, Suite 210  
Las Vegas, Nevada 89128  
23 adows@premierlegalgroup.com  
*Pro Bono Counsel Referred*  
24 *via the Legal Aid Center of Southern Nevada*  
*for Plaintiff HYRUM JOSEPH WEST*  
25

MARQUIS AURBACH COFFING  
By: /s/ Craig R. Anderson  
CRAIG R. ANDERSON, ESQ.  
By: /s/ Jonathan B. Lee  
JONATHAN B. LEE, ESQ.  
10001 Park Run Drive  
Las Vegas, Nevada 89145  
jbl@maclaw.com  
*Counsel for Defendants*

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3 UNITED STATES DISTRICT COURT

4 DISTRICT OF NEVADA

5 \*\*\*

6 HYRUM JOSEPH WEST, )

7 Plaintiff, )

8 v. )

9 NYE COUNTY, *et al.*, )

10 Defendants. )

2:13-cv-00271-APG-VCF  
**FINDINGS OF FACT,**  
**CONCLUSIONS OF LAW, AND**  
**ORDER THEREON**

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13 **FINDINGS OF FACT**

14 Based on the pending Stipulation of the parties, and good cause appearing therefore, the  
15 Court finds that:

16 1. On December 28, 2018, Plaintiff HYRUM JOSEPH WEST filed a Motion to  
17 Extend Discovery as to Newly-Discovered Evidence [ECF No. 92.]

18 2. The Court's ruling on Plaintiff's Motion [ECF No. 92] may ultimately result in  
19 additional discovery or briefing in the case, all of which could have an impact upon dispositive  
20 issues, including Defendants' pending motion for summary judgment.

21 3. Thus, the parties anticipate that Plaintiff's Motion [ECF No. 92] to extend  
22 discovery will need to be briefed and concluded prior to effectuating final briefing as to  
23 Defendants' Renewed Motion for Summary Judgment. [See ECF No. 91.]

24 4. That Plaintiff HYRUM JOSEPH WEST is incarcerated, and does not object to the  
25 subject continuance.

26 5. The additional time requested herein is not sought for purposes of delay, but  
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1 merely to allow the parties to resolve an important discovery issue in the instant case, taking into  
2 account the exercise of due diligence.

3 6. Additionally, denial of this request for a continuance could result in the  
4 miscarriage of justice without resolving the instant discovery dispute prior to concluding  
5 dispositive motion briefing.


6 **CONCLUSIONS OF LAW**

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8 The additional time requested by this stipulation is sought in good faith not sought for  
9 purposes of delay, but instead to allow the parties adequate time to work through a discovery  
10 matter, taking into account the exercise of due diligence. For all of the above-stated reasons, the  
11 ends of justice would best be served by a brief continuance of the supplemental opposition and  
12 supplemental reply to Defendants' motion for summary judgment.

13 **ORDER**

14 IT IS THEREFORE ORDERED that the previously-scheduled deadline of January 10,  
15 2019 for Plaintiff HYRUM JOSEPH WEST to file his supplemental opposition to Defendants'  
16 motion for summary judgment is extended to thirty (30) days following the final decision or  
17 receipt of discovery on Plaintiff's Motion to Extend Discovery as to Newly-Discovered Evidence  
18 [ECF No. 92].

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20 IT IS FURTHER ORDERED that Defendants' supplemental reply be extended to  
21 fourteen (14) days after the filing of Plaintiff's supplemental opposition to Defendants' motion  
22 for summary judgment.

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27 ANDREW P. GORDON  
28 UNITED STATES DISTRICT JUDGE  
Dated: January 10, 2019.